

REMARKS

In the Office Action dated March 15, 2010, claims 1-15 were presented for examination. Claims 1 and 2 were objected to as containing informalities. Claims 1-15 were rejected under 35 U.S.C. §112, second paragraphs. Claims 11-15 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Krause*, U.S. Patent Application Publication No.2005/0180568, in view of *Karim*, U.S. Patent Application Publication No. 2003/0217108

I. Objections to the Claims

In the Office Action dated March 15, 2010, the Examiner objected to claims 1 and 2 as containing informalities. To overcome the objections, Applicant has amended claims 1 and 2 in the manner suggested by the Examiner. Accordingly, based upon the amendments, Applicant respectfully requests that the Examiner remove the objections from claims 1 and 2.

II. Rejection of Claims 1-15 Under 35 U.S.C. §112, second paragraph

In the Office Action dated March 15, 2010, the Examiner rejected claims 1-15 under 35 U.S.C. §112, second paragraph as failing to set forth the subject matter regarded by Applicant as his invention.

Applicant has amended independent claims 1, 6, and 11 in the manner suggested by the Examiner on page 3, last paragraph, of the Office Action dated March 15, 2010. In addition, Applicant addressed the issue pertaining to “temporarily stripping” a payload from a broadcasting package by removing the word “temporarily.”

On page 4 of the outstanding Office Action, the Examiner raised a concern with respect to sending headers to a router separate from a payload. The Examiner argues that headers can not be sent to a router by itself. Applicant respectfully disagrees. It is well known in the art, that in a data packet sent via the Internet, the data (payload) are preceded by header information such as the sender's and the recipient's IP addresses, the protocol governing the format of the payload and several other formats. It is not clear to Applicant why a header can not be sent from one router to another without a payload. Indeed, the header contains an IP address of a receiving

server and as such can be sent to this server. It is a payload that can not be sent by itself without a header. Accordingly, it is Applicant's position that a header can be sent to a receiving router without a payload.

The Examiner argues that sending a header without a payload is not known in the art. Accordingly, the limitation above is novel with respect to Applicant's invention. Indeed, broadcasting implies sending multiple packets with the same payload to different destinations. Since a header has substantially smaller size than a payload, it is much more efficient to send the payload to a server once and then attach to it different headers corresponding to different destinations, wherein the headers arrive at the server separately from the payload. Support for the above limitation is found in paragraph 0022, lines 13-15 of Applicant's publication.

Accordingly, based upon the amendments, Applicant respectfully requests that the Examiner remove the rejection under 35 U.S.C. §112, second paragraph and grant an allowance of the pending claims.

III. Rejection of Claims 11-15 Under 35 U.S.C. §101

In the Office Action dated March 15, 2010, the Examiner rejected claims 1-15 under 35 U.S.C. §101 as directed to non-statutory subject matter. More specifically, the Examiner raised a concern that "computer readable medium" can be interpreted as a propagation medium. Applicant has amended independent claim 11, replacing "computer readable medium" with "computer readable storage medium." The computer readable storage medium can not be interpreted as a propagation medium and as such is directed to a statutory subject matter. Support for the amendment is found in paragraph 0026 of Applicant's publication. No new matter has been introduced with the amendment presented herewith. Accordingly, based upon the amendment, Applicant respectfully requests that the Examiner remove the rejection under 35 U.S.C. §101, and grant an allowance of pending claims 11-15.

IV. Rejection of Claims 1-15 Under 35 U.S.C. §103(a)

In the Office Action dated March 15, 2010, the Examiner rejected claims 1-15 under 35 U.S.C. §103(a) as being unpatentable over *Krause*, U.S. Patent Application Publication No. 2005/0180568, in view of *Karim*, U.S. Patent Application Publication No. 2003/0217108.

Applicant's remarks pertaining to the prior art as applied to the pending claims as presented in the prior communications, are hereby incorporated by reference.

Krause teaches removing headers, such as MAC Header, IP Header, and any additional headers such as UDP or TCP, and providing them to a dual port RAM. The dual port RAM maintains a table of header data for each MPEG PID (packet identification) of the encapsulated MPEG packets. The MPEG packet headers can be replaced with a modified header at an output module. See paragraphs 0077 and 0102. In other words, *Krause* teaches separating headers from a payload. However, *Krause* does not teach transmitting packets having identical payloads and different headers, wherein a payload is stored local to a receiving router and subsequently attached to a header arriving at the receiving router separately from the payload.

The Examiner employs *Karim* as a prior art reference in relation to an electronic distribution system for routing broadcasting packets from a sending server to a receiving server. *Karim* teaches a Client Computer system and an associated Mail Server which is capable of locating the intended recipient and routing the mail packet accordingly to the recipient address specified by the sender. Applicant submits that the current claims, as amended, do not include the above limitation. More specifically, Applicant's claims are directed to a document distribution system for routing broadcasting packets from a sending router to a receiving router. Accordingly, even interpreting the receiving router being local to a server, *Karim* does not teach the above limitation. Indeed, *Karim* addresses communication between a client and a server, not between two servers.

“To establish a rejection under 35 U.S.C. §103(a), all the claim limitations must be taught or suggested on the prior art.”¹ If the prior art references do not teach or suggest every claim limitation of the Applicant’s invention, then they do not meet every requirement under 35 U.S.C. §103(a) and are not sufficient to uphold a rejection under 35 U.S.C. §103(a). As noted above, *Krause* and *Karim* do not teach transmitting packets having identical payloads and different headers, wherein a payload is stored inside a receiving router and subsequently attached to a header with the header arriving at the receiving router separately from the payload. It is Applicant’s position that the claims, in their prior form and as amended, are patentable over the prior art based upon the current state of the law as applied to the legal definition of obviousness.

IV. Conclusion

In view of the forgoing remarks to the claims, it is submitted that all of the claims remaining in the application are now in condition for allowance and such action is respectfully requested. Applicant is not conceding in this application that those claims in their prior forms are not patentable over the art cited by the Examiner, as the present claims are only for facilitating expeditious prosecution of the application. Applicant respectfully reserves the right to pursue these and other claims in one or more continuation and/or divisional patent applications. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicant requests that the Examiner indicate allowability of claims 1-15, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

¹ MPEP §2143.03 (Citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,
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